

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TINA MARIE CLARKE,

Petitioner,

v.

CASE NO. 5:05-cv-60151
HONORABLE JOHN CORBETT O'MEARA

CLARICE STOVALL,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

Petitioner Tina Marie Clarke has filed a *pro se* habeas corpus petition under 28 U.S.C. § 2254. The habeas petition attacks Petitioner's state convictions for first-degree felony murder and related offenses. The grounds for relief allege (1) insufficient evidence of felony murder, (2) prosecutorial misconduct, and (3) inaccurate jury instructions.

Currently pending before the Court is Petitioner's motion for appointment of counsel. Petitioner alleges that she is unable to retain counsel, that she has an excellent chance of success, and that the ends of justice require appointment of counsel. She also alleges that she is ignorant of the law and has a reading comprehension level of 6.8 due to a head injury.

"[T]here is no constitutional right to counsel in habeas proceedings." *Post v. Bradshaw*, 422 F.3d 419, 425 (6th Cir. 2005) (citing *Coleman v. Thompson*, 501 U.S. 722, 752-53 (1991)), *cert. denied*, ___ U.S. ___, 126 S. Ct. 1621 (2006). Furthermore, the state court's ruling on Petitioner's sufficiency-of-the-evidence claim appears objectively reasonable, and Petitioner's other two claims may be procedurally defaulted due to her failure to make a contemporaneous

objection at trial. The Court concludes that the interests of justice do not require appointment of counsel. 18 U.S.C. § 3006A(a)(2)(B). Accordingly, Petitioner's motion for appointment of counsel [Doc. #6, Dec. 19, 2005] is DENIED without prejudice.

s/JOHN CORBETT O'MEARA
UNITED STATES DISTRICT JUDGE

Dated: August 06, 2006

Certificate of Service

I hereby certify that a copy of this Order was served upon the attorneys and/or parties of record by electronic means or U. S. Mail on August 06, 2006.

s/William J. Barkholz
Courtroom Deputy Clerk